

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Franco SARTORI et al.

Serial No. **10/529,021**

Filed **March 24, 2005**

For **POLYPROPYLENE FIBRES SUITABLE FOR
THERMALLY BONDED NON-WOVEN
FABRICS**



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) **Art Unit 4145**
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) **Examiner A. C. Sykes**
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Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

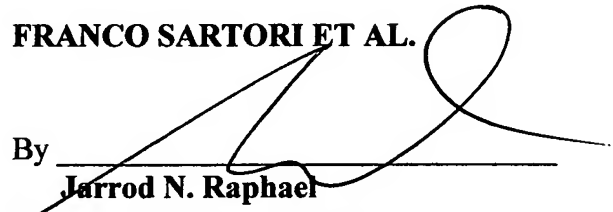
Submitted herewith for filing in the U.S. Patent and Trademark Office are the following:

- ☒ Postcard
- ☒ Petition for Extension of Time (2 pages) (in duplicate)
- ☒ Response to Restriction Requirement (4 pages)
- ☒ **Form PTO/SB/122** – Change of Correspondence Address (1 page)

Respectfully submitted,

FRANCO SARTORI ET AL.

By


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Date: **April 24, 2008**



Attorney Docket No. MI 6055

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Franco SARTORI, et al.

Serial No.: 10/529,021

Group Art Unit: 4145

Filed: March 24, 2005

Examiner: A.C. SYKES

For: **POLYPROPYLENE FIBRES SUITABLE FOR THERMALLY BONDED NON-WOVEN FABRICS**

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated March 18, 2008. The one-month shortened statutory period for response was set to expire on April, 18, 2008. A petition for a one-month extension of time accompanies this response. Thus, this response is timely filed.

SUMMARY OF RESTRICTION REQUIREMENT

Invention Groups. The Examiner has required restriction of claims 1-19 to a single invention under 37 C.F.R. 1.499. As the basis for this restriction requirement, the Official Action states the following:

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a

single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-8, 13-14, 19, drawn to fiber and fabric.

Group II, claims 9-12, 15 drawn to process of making fiber and fabric.

Group III, claims 16-17, drawn to composition.

Group IV, claim 18, drawn to process for the polymerization of the polymer composition.

The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

- the special technical feature of Group I is: a composite non-woven fabric comprising two or more layers wherein at least one layer is made of thermally bonded non-woven fabric comprising fibres comprising a propylene polymer composition (A) having an MFR value from 4 to 50g/10 min, and said feature is missing from Groups II-IV.

- the special technical feature of Group II is: a process for the production of non-woven fabric comprising a step of obtaining a value of the ratio of the polymer fraction collected at the temperature range from 25° to 95° C by temperature rising elution fractionation (TREF), and said feature is not required by Group I, III, and IV.

- the special technical feature of Group III is: a crystalline propylene composition having an MFR value from 4 to 50g/10 min and at least one of an ethylene and a C₄-C₁₀ α -olefin content of at least 0.64 wt% and comprising 20-80% of a crystalline random copolymer of propylene with higher than 5 to 9% by weight of ethylene, and said feature is missing from groups I and II.

- the special technical feature of Group IV is: a process for the polymerization preparing the crystalline propylene polymer composition carried out in at least two separate subsequent stages, wherein in at least two stages the relevant monomers are polymerized to form polymer I and in the other stages the relevant monomers are polymerized to form polymer II, operating in each stage except the first step, in the presence of the polymer formed and the catalyst used in the preceding stage, and said feature is not required by Group I-III.

PROVISIONAL ELECTION

Applicant provisionally elects Group I, drawn to a fibre and fabric. Claims 1 - 8, 13-14, and 19 are readable on the elected invention.

TRAVERSAL

Applicant respectfully traverses the Examiner's restriction requirement. In particular, Applicant traverses the Examiner's contention that pending claims 1-19 lack a single inventive concept under PCT Rule 13.1, and the Examiner's contention that,

- the special technical feature of Group I is: a composite non-woven fabric comprising two or more layers wherein at least one layer is made of thermally bonded non-woven fabric comprising fibres comprising a propylene polymer composition (A) having an MFR value from 4 to 50g/10 min, **and said feature is missing from Groups II-IV.** (Emphasis added)

In fact, claims 1-18 all recite Applicant's novel and

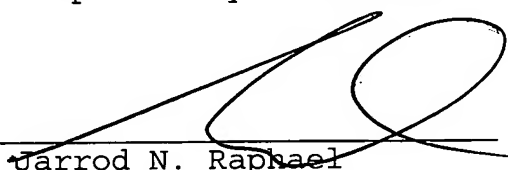
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inventive propylene polymer composition having an MFR value from 4 to 50 g/10 min, and being selected from propylene polymers i) and ii). In view of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the restriction requirement, and to examine all of the claims pending in this application.

If the Examiner has any questions or comments regarding this matter, the Examiner is welcomed to contact the undersigned practitioner at the below-listed number and address.

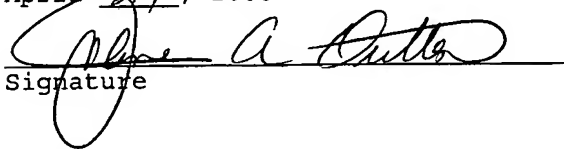
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on April 24, 2008


Signature

April 24 2008
Date